Gary L. Sonnenberg
P.O. Box 22555
Juneau, Alaska 99802
rockhnd@earthlink.net
(907)523-9312
July 24, 2015

Curtis Caton
Geologist
U. S. Forest Service
Tongass National Forest
8510 Mendenhall Loop Rd.
Juneau, Alaska 99802

Dear Curtis Caton:

Respectfully submitted are comments and concerns related to **2014 Kensington Fuel Depot Environmental Assessment** dated June 2015.

Sincerely,

Gary L. Sonnenberg

Enclosure: 2014 Kensington Fuel Depot Environmental Assessment, Gary L. Sonnenberg, 24 July 2015 (3 pages)

2014 Kensington Fuel Depot Environmental Assessment
Gary L. Sonnenberg
24 July 2015

Page 2: Purpose and Need for Action

The "approved Plan of Operation of the Kensington Gold Project" was the result of a 2004 EIS signed and approved by the Tongass National Forest Supervisor. The 2004 EIS rejected bulk storage of fuel on site as well as alternative propane fuel to diesel in favor of the Existing Condition, also referred to as Alternative 1 or No Action in this EA. It is not clear how the proposed significant change in an important part of the 2004 EIS can be considered at a lower level of the organization particularly since the EA expressly states on page 7 that, "The approved Kensington Plan of Operations (POO) must be updated to reflect site conditions to occur with the proposal prior to operation of the fuel depot." If an EIS was necessary to approve the current POO then an EIS or supplement should be prepared to re-evaluate a significant change that necessitates updating the POO. Such EIS should be approved at no lower than the level of the 2004 EIS.

This page also states, "- - - the need for a reliable fuel supply that will allow for the continuous operation in an economically viable manner - - -." Nowhere in this EA is Alternative 1 shown to be, quantified or qualified as unreliable or uneconomical. Nor is there quantification or explanation as to how the proposed Alternative 2 would be more reliable or economical than Alternative 1. Without evidence to substantiate unreliability and or excessive expense of Alternative 1 or reliability and cost estimates for Alternative 2 there is no basis to evaluate the merits of the two alternatives. This fact alone demonstrates the need for EIS level of analysis.

Page 3: Purpose and need for action

"This Environmental Assessment (EA) analyzes potential impacts that could result from installation of a bulk fuel facility on National Forest System (NFS) managed lands. Other aspects of the Kensington Gold Project fuel routines and methods are not addressed in this EA because a previous analysis in the 2004 Environmental Impact Statement (EIS) or the involvement of private property on patented mining claims." The Oil Pollution Act of 1990 and subsequent regulations apply to petroleum storage on any jurisdiction including private property and mining claims. It is irresponsible to consciously exclude portions of a fuel system supporting the entire mine operation. Portions of Alternative 2 are located over marine waters and Alaska State tide lands. Spills of petroleum product virtually anywhere within the mine operations footprint will expose surface water to contamination impacts; this is poorly analyzed in this assessment. As described on page 4 of the EA, Alternative 2 nearly triples the quantity of petroleum stored on site and introduces several new potential spill points (transfer points).

Page 5: Proposed Action

A "30,000 gallon day tank" is not part of the POO, the 2004 EIS that approved isotainers (Alternative 1) as the preferred fuel system, or the Draft SPCC. It is reasonable to speculate that the 30,000 gal tank is an unapproved, incremental change in the overall mine fuel system of which Alternative 2 is another increment. If the mine operation depends upon petroleum fuel then the entire fuel system must be analyzed. An EIS should flesh this out.

Page 6: Time and duration of Activity

"- - - approximately 8 weeks - - -" is misleading. 8 weeks is likely the duration of construction activities but the duration of fuel delivery, transfer, and storage with risk of spill and environmental impacts is anticipated to be many years.

Page 6: U. S. Environmental Protection Agency (EPA)

As mentioned above, the 30,000 gal tank and any other product not currently accounted for need to be added to the aggregate capacity.

U. S. Coast Guard

The U. S. Coast Guard (USCG) does not appear to have been one of the agencies contacted even though they are listed here as code enforcing agency. USCG is the national expert on marine petroleum spills in Alaska and the United States and should have been consulted for action that will introduce over water transfer of petroleum product. The existing, Alternative 1, fuel system does not fall under this aspect of USCG jurisdiction. The USCG also would be a principle responder to a release of a large volume of petroleum product from one or all of the 7 proposed 50,000 gallon tanks. The USCG should be formally consulted before any decision is made on this action.

Page 7: Construction Design Features

The list of 18 items under this heading and the heading itself are confusing. Are "design features" relevant to the design of the Alternative 2 fuel depot facility or the activities involved in constructing the facility? This listing of items demonstrates a lack of understanding of construction and design that should be evident in a comprehensive environmental analysis. An EIS will clarify impacts and risks associated with construction activities and operations and maintenance activities of any alternatives analyzed.

Page 9: Fuel Depot Operation, item 6

It is highly doubtful that fuel could be legally disposed at the Kensington Gold Project, at least not under documents made available to the analysis ID team. This demonstrates a lack of information or understanding of petroleum management laws and policy demanding EIS level analysis.

Page 9. Environmental Impact of the No Action and Proposed Action Alternatives

Alternative 1 (No Action): Infers *no change in impacts* and states "no further analysis will be completed". Apparently there was further analysis since on pages 10 - 11 it states, "There will be a reduction in sedimentation near surface waters because the Proposed Action alternative eliminates the need to transport 12 – 15 isocontainers weekly from the barge to the laydown area and back. This reduction in traffic would result in a reduction of sedimentation produced along the road." An EIS should provide a comparison of quantified sediment between the alternatives to validate this statement.

Page 10: Botany, Proposed Action

Alternative 2: "moderate risk of invasive plant infestation", "If all mitigation measures are implemented the risk will be greatly reduced". This is an astute observation in that none of the mitigations offered in this EA mitigate impacts if not implemented, monitored, and enforced. Mitigation is not mitigation by referencing a law or regulation. An EIS analysis should clearly demonstrate (and quantify) how "implementation" of mitigating measures and technologies will influence an anticipated outcomes for all alternatives.

Page 12: Cumulative Effects

Since this EA states, "- - - there would be no cumulative effects for the Kensington Fuel Depot project." It is apparent that no consideration was given that it is a fuel oil supplier for whom the Alternative 2 depot is being proposed and that if the Juneau Access Project road goes forward as currently proposed the Alternative 2 facilities would be strategically located to distribute fuel even after the mine ceases operations. Project documents did not demonstrate a need to increase fuel storage for mine operations and Petro Alaska apparently planned, will finance and operate the depot if approved and constructed. Though speculation, it is not unreasonable to assume that Petro Marine or some other fuel distributor would desire to utilize the facility without having to go through a NEPA process to establish a facility. This is a plausible cumulative effect that should be analyzed in an EIS or mitigated with language requiring removal of all depot infrastructure and restoration upon closure of the mine.

General

Five impacts and or risks were identified for Alternative 2 under the heading **Environmental Impact of the No Action and Proposed Action Alternatives** compared to none for Alternative 1. A spread sheet comparing the impacts and or risks of the two alternatives would be helpful.

With only two alternatives analyzed it should be obvious that a FONSI would be irresponsible and that other alternatives should be proposed and analyzed in an EIS. Many of the technological mitigations proposed to be applied to Alternative 2 in the EA could be applied to the existing Alternative 1 fuel system to improve environmental protection and would not require NEPA analysis.

This EA is skewed toward analysis of short term environmental impacts resulting from construction activities. It is very sparse on analysis of long term impacts of significantly increasing volume of fuel storage capacity and opportunity for petroleum spills. An EIS should include risk analysis related to significantly (nearly tripling) fuel storage capacity; increasing individual container size 8 fold and introducing near water transfer points. An EIS should also consider other alternatives that will address the stated need, "- - - the need for a reliable fuel supply that will allow for the continuous operation in an economically viable manner - - -." In an environmentally responsible manner.